

REMARKS

By this amendment, claims 1-5 and 7-32 are pending, in which claim 6 was previously canceled without prejudice or disclaimer, and claims 1, 7-9, 19, and 20 are currently amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure. For example, see page 6, lines 14-17, and page 7, lines 10-15 of the specification. Applicants submit that the present Amendment does not generate any new matter issue.

The Office Action mailed June 8, 2010 rejected claims 1-5, 7-9, 19-23, and 25 under 35 U.S.C. §102(b) as anticipated by *Lindqvist et al.* (US 2003/0088778), claims 10-16, 18, 24, and 26-32 as obvious under 35 U.S.C. §103(a) based on *Lindqvist et al.* (US 2003/0088778) in view of *Urdang* (US 2004/0078811), and claim 17 as obvious under 35 U.S.C. §103(a) based on *Lindqvist et al.* (US 2003/0088778) and *Urdang* (US 2004/0078811) in view of *Dale et al.* (US2004/0022307).

The rejection of claims 1-5, 7-9, 19-23, and 25 under 35 U.S.C. §102(b) is traversed.

Independent claim 1 recites, *inter alia*, “providing, by a datacast operator, **supplementary data which is specific to the area served by the datacast operator.**” Independent claim 7 recites, *inter alia*, “means for selectively providing, by a datacast service operator, **supplementary data which is specific to the area served by the datacast service operator.**” Independent claim 8 recites, *inter alia*, “selectively provide, by a datacast service operator, **supplementary data which is specific to the area served by the datacast service operator.**” Independent claim 9 recites, *inter alia*, “selectively receiving, from a datacast operator, **supplementary data which is specific to the area served by the datacast operator.**”

Independent claim 19 recites, *inter alia*, “selectively receive, from a datacast operator, **supplementary data which is specific to the area served by the datacast operator.**”

Independent claim 20 recites, *inter alia*, “means for selectively receiving, from a datacast operator, **supplementary data which is specific to the area served by the datacast operator.**”

Thus, each of independent claims 1, 7-9, 19, and 20, and by extension, dependent claims 2-5, 21-23, and 25, recites the feature of “**supplementary data which is specific to the area served by the datacast operator.**” This is supported, for example, by the disclosure at lines 10-15 of page 7 of the specification, and Figures 1 and 2 of the disclosure. This feature is not disclosed or even suggested by *Lindqvist et al.*

Lindqvist et al. is clearly devoid of any teaching that supplementary data is selectively provided by a datacast operator and that the supplementary data is specific to the “area served by the datacast operator.”

The Examiner asserted, at page 9 of the Office Action, that the “unique identifier” of *Lindqvist et al.* corresponds to the claimed “supplementary data” because the unique identifier “shows the user when the content will be distributed, which is specific to the provider (§ 0096 ‘The terminal offerings module may interface with a GUI so as to present a browsable list of the offerings to a terminal user’) and that the supplementary data is specific to the ‘area served by the datacast operator (§ 0096 ‘The terminal offerings module may associate (area served) with each listed distribution the unique identifier relating to that distribution’).”

The Examiner’s equating the “unique identifier” in *Lindqvist et al.* to the claimed “supplementary data” and equating the association of a terminal offerings module with a listed distribution, with the claimed “area served,” is, respectfully, an erroneous comparison.

The pertinent portion of paragraph [0096] of *Lindqvist et al.*, cited for the “unique identifier,” recites

...a terminal offerings module running on each terminal may save this data and use it to build a listing of available distributions of content. Such a listing could be referred to as an electronic service guide (ESG). The terminal offerings module may associate with each listed distribution the **unique identifier relating to that distribution** (emphasis added).

Thus, the unique identifier in *Lindqvist et al.* relates to an available distribution listed in the terminal. Unlike the “supplemental data” of the claimed invention, the unique identifier in *Lindqvist et al.* is not “**specific to the area served by the datacast operator.**” The “identifier” is mentioned in *Lindqvist et al.* in at least paragraphs [0048], [0052], [0057], [0066], [0067], [0072]-[0075], [0077], [0078], [0083], [0084], [0092], [0096], [0097]-[0099], and [0134], but not one of those portions of the reference identifiers the “identifier” as being “**specific to the area served by the datacast operator.**” In fact, in portions wherein the identifier is described with reference to a “specified network area,” e.g., paragraph [0052], a unique identifier is described as being included in metadata which also includes, *inter alia*, “whether the content is for global distribution or distribution to a specified network area.” Thus, neither the metadata nor the unique identifier is “specific to the area served by the datacast operator”; a mere indication by metadata as to “whether the content is for global distribution or distribution to a specified network” is substantially different from “supplementary data which is **specific to the area served by the datacast operator.**”

The unique identifier in *Lindqvist et al.* is not “supplementary data” and an association of a terminal offerings module with a listed distribution, is not an “area served,” as claimed.

Nevertheless, in order to advance the prosecution of this application, independent claims 1, 7-9, 19, and 20 have been amended to clarify the “area” as a “geographic area.” Thus, the

claims relate to “supplementary data which is specific to the geographic area served by the datacast operator.” As such, to whatever extent the Examiner is interpreting an “association” of a terminal offerings module with a listed distribution, as an “area served,” the claims now make it clear that the area of concern is a “geographic” area and not merely some field or activity or “association,” as the Examiner posits.

Accordingly, *Lindqvist et al.* cannot anticipate the subject matter of claims 1-5, 7-9, 19-23, and 25 under 35 U.S.C. §102(b). Therefore, withdrawal of this rejection is respectfully solicited.

The rejection of claims 10-16, 18, 24, and 26-32 under 35 U.S.C. §103(a) is traversed.

Urdang, applied for a supposed teaching of using a program identification code to locate corresponding EPG data, fails to cure the deficiency of *Lindqvist et al.* as *Urdang* also fails to disclose or suggest “**selectively providing, by a datacast_operator, supplementary data which is specific to the geographic area served by the datacast operator.**” Thus, no *prima facie* case of obviousness has been established with regard to the subject matter of claims 10-16, 18, 24, and 26-32.

The rejection of claim 17 under 35 U.S.C. §103(a) is traversed.

Dale et al., applied for a supposed teaching of generating a power on/off control signal at a receiver when a data burst is detected, fails to cure the deficiency of the *Lindqvist et al./Urdang* combination since *Dale et al.*, also fails to disclose or suggest “**selectively providing, by a datacast_operator, supplementary data which is specific to the geographic area served by the**

datacast operator.” Thus, no *prima facie* case of obviousness has been established with regard to the subject matter of claim 17.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

September 8, 2010
Date

/Phouphanomketh Ditthavong/
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

Errol A. Krass
Attorney for Applicant(s)
Reg. No. 60090

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9951
Fax (703) 519-9958